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July 9, 2024

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
Washington, DC 20528

Michael D. Lumpkin, Chief of Staff
U.S. Immigration and Customs Enforcement (ICE)
500 12th Street, SW
Washington, DC 20024-6121

Ur M. Jaddou, Director
U.S. Citizenship and Immigration Services (USCIS)
5900 Capital Gateway Drive Camp Springs,
Maryland 20746

Subject: Legal demand to terminate visa status for foreign nationals involved in violent campus protests

Dear Mr. Mayorkas, Mr. Lumpkin, and Ms. Jaddou,

I am writing to you as the President of the Shurat HaDin Law Center based in Tel Aviv along with almost 150 attorneys licensed in the United States. Our organization has dedicated the last 20 years to combating the scourge of international terrorism and antisemitism via court systems worldwide. Among others, we represent victims of antisemitic attacks and victims of terrorism, including over 110 U.S. citizen victims and hostages of the ruthless attack on Israel on October 7, 2023.

My office is monitoring the surge of antisemitism and violence on university campuses throughout the United States and the link between the protests and terrorism. We have already initiated legal actions in this regard: including a multi-million-dollar lawsuit against Students for Justice in Palestine (SJP), and its affiliated groups and leaders for their connection to, support, and provision of services to Hamas.[1]

The purpose of this letter is to request that USCIS and ICE investigate and cancel visas for foreign students and other foreign nationals involved in campus violence, on-campus terror support, and antisemitic acts in violation of their visa benefits.

In addition, we respectfully request that USDHS immediately investigate whether Designated Student Officers ("DSOs") have failed their reporting duties regarding such

[1] See: Shnaider et al v. American Muslims for Palestine et al, 8:2024cv01067

foreign students' actions and academic status and act accordingly to withdraw the relevant institutions' SEVP certification.

We also ask that USDHS broaden the DSOs' reporting requirements, to ensure that all benefits and enforcement agencies are notified of violative behavior by these foreign nationals.

Foreign involvement in campus protests and antisemitism

Many of these protesters have been arrested, suspended, or expelled by their universities during these protests. By way of example, University of Pennsylvania student Elianza Atienza, a Filipino national, has been widely reported as having been suspended for participating in an anti-Israel encampment.[2] Two Harvard foreign students, Elom Tettey-Tamaklo and Ibrahim I. Bharmal, have been charged with misdemeanor assault and battery and violating the Massachusetts Civil Rights Act due to their documented confrontation with a Jewish student.

In fact, foreign nationals and foreign involvement in American universities has fueled the spread of antisemitism in these institutions. Ample indications of foreign involvement in the growing antisemitism and pro-Palestinian 'sentiment' on campuses have already emerged, long before the spread of the recent protests. In addition to growing foreign "investments" in the academic institutions, networks of student groups were established to promote campuswide antisemitism in the guise of anti-Israel activism.[3]

In the days following the Hamas invasion of Israel, weeks before any IDF soldier set foot on Gazan soil, organized anti-Israeli protests were already taking place on campuses. Since then, the lives of Jewish students on campus became unbearable and unsafe, to the point that many fear for their lives and can no longer safely remain on those campuses.[4]

The recent protests were well funded and organized.[5] As reported, activist groups trained students on how to conduct protests months before recent campus protests erupted.[6] Some "activists" were trained by "Samidoun," which is already designated as a terror organization in Israel and Germany.[7] Additionally, a professional outside agitator, Lisa Fithian, upon information and belief, served as a paid consultant to stir up Columbia

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[2] See: (https://www.foxnews.com/video/6353485244112)

[3] See: Alan Blinder, Inside the Pro-Palestinian Group Protesting Across College Campuses, New York Times (Nov, 17 2023); NGO Monitor, Students for Justice in Palestine (SJP): Available Funding and Other Information.

[4] See: ADL, Antisemitism on Campus; Hillel International, Antisemitism on College Campuses: Incident Tracking from 2019–2024

[5] JNS, Who is paying for the American campus protests? May 3, 2024.

[6] Tawnell D. Hobbs, Valerie Bauerlein and Dan Frosch, Activist groups trained students for months before campus protests, Wall Street Journal (May 3, 2024).

[7] JP Staff, Radical activists trained US student groups on 'resistance' – report Jerusalem Post (May 4, 2024).

University protests.[8] Ms. Fithian was previously involved in the training of Turkish IHH members (previously responsible for the Mavi Marmara incident, and whose members also indicated their intention to participate in another illegal flotilla to Gaza.)[9] Further information that became known after police intervention in campuses nationwide, during which more than 3,000 "protesters" were arrested,[10] is that many of the "protesters" were not even affiliated with the universities which they occupied.[11]

Violations of visa terms

Many of the protesters are foreign nationals who have violated the terms of their visa applications. Furthermore, students suspended or expelled by their universities no longer satisfy the conditions required to maintain their visas, and thus such visas must be immediately revoked. In particular, those on F visas are not here as a right, but rather as a matter of discretionary privilege.

From the legal point of view, ICE is fully empowered to initiate proceedings to revoke visas whose holders have either stopped satisfying the criteria for the visa category (Section 214(b) of the Immigration and Nationality Act – INA) or are suspected of any other potential reason for inadmissibility or ineligibility involving law enforcement is suspected ("prudential revocation"). It is further within the power of all agencies under the U.S. Dept of Homeland Security to review all foreign student records and all documented student activity.

Moreover, under INA Section 222(i), the Secretary of State is empowered to revoke the visas of non-immigrants who have been arrested or even identified as participating in illegal activity on campuses (e.g., attacks, antisemitic chants, etc.). Both the commission of an aggravated felony or any crime involving moral turpitude (CIMT) perpetrated by the holder may result in revocation of the visa. The Board of Immigration Appeals (BIA) has described CIMT as a crime which "refers generally to conduct that shocks the public conscience as being inherently base, vile, or depraved, contrary to the rules of morality and the duties owed between man and man, either one's fellow man or society in general." Such crimes usually include malicious destruction of property, breaking and entering, and damaging of private property[12] - all of which have been perpetrated on campuses.

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[8] Germania Rodriguez Poleo, Meet the $300-a-day professional protester Lisa Fithian, 63, slammed by Eric Adams who helped stir up Columbia University protests - then left before arrests began, MAILONLINE (May 2, 2024).

[9] Jacobo García, Freedom Flotilla taking aid to Gaza trains for boarding by Israeli special forces, El - PARIS
(Apr. 25, 2024).

[10] New York Times, Where Protesters on U.S. Campuses Have Been Arrested or Detained.

[11] NBC News, Nearly half of NYC arrests involved people not affiliated with schools, officials say NBC News (May, 3, 2024).

[12] See: 9 FAM 302.3-2(B)(2)(U).

DSOs failure to report

The role of a DSO is defined in 8 CFR 214.3 (l)(1). It includes, amongst others, the *duty* to keep student records up to date by reporting the student's "Academic status," including "the effective date or period if suspended, dismissed, placed on probation, or withdrawn" and "any disciplinary action taken by the school against the student as a result of the student being convicted of a crime."

Consequently, we are equally concerned about inaction of schools that have the discretion to cancel the students' SEVIS visas, for, inter alia, assaulting or threatening other students, staff, or law enforcement, blocking access to buildings or other areas, and where the schools have not canceled their SEVIS visas.

For example, we are unaware of any report that student visas have been revoked for egregious conduct during campus protests. Furthermore, on its face, it is unclear how many DSOs are not canceling students' I-20s, for a student's severe violations of school policy and malevolent conduct.[13] Schools that fail in their reporting obligation should be investigated and, when appropriate, sanctioned.

A call for action

Considering the alarming fact that antisemitism and violence on campuses are preplanned and deliberate, and since, according to organizers and protesters' own public statements – the hate and violence will be repeated, we believe that urgent action must be taken.

Keeping in mind the threat of foreign intervention on U.S. campuses, specific focus should be given in this regard to those foreign nationals who act as “chaos agents,” by engaging in violence and vandalism during these protests and spreading hatred, anti-American sentiments (e.g., chanting "death to America"), and antisemitism.

Therefore, the revocation of visas held by these foreign nationals on campuses is a matter of **national security** and should be handled by ICE as a matter of utmost priority.

Accordingly, we respectfully call on Homeland Security agencies, including ICE and USCIS, to act urgently in this matter, including:

a. Gather all relevant information from university DSOs as to the documentation of those students criminally charged, as well as the probation, suspension, or expulsion of students due to their participation in campus protests.
b. Gather from all local police and relevant national authorities the details of foreign nationals who have been detained or arrested during campus protests.
c. Open an independent investigation to identify further participants in campus protests who allegedly committed acts which may serve as grounds for visa revocation/cancelation.

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[13] See: https://x.com/sfmcguire79/status/1791791760265359503?s=51&t=YJkDBBXxTNJ4YEDKot45nQ

d. Act urgently to cancel, terminate, or revoke all visas held by foreign nationals involved in campus violence, on-campus terror support, and antisemitism in violation of their visa benefits or that have lost their eligibility for their visas due to such behavior, based upon the information gathered in above paragraphs A-C.
e. That USDHS broadens the DSOs' reporting requirements, so that all benefits and enforcement agencies are placed on notice of violative behavior by foreign nationals.
f. Investigate if DSOs have failed their reporting duties regarding such foreign students' violations and act to determine whether such violations must result in the suspension or withdrawal of their school's SEVP certification.
g. Investigate foreign involvement and terrorist groups' involvement in these protests, including by interviewing the visa holders who have been arrested.

We urge you to act promptly on this matter and await your confirmation that ICE intends to act accordingly.

Yours Sincerely,

Nitsana Darshan-Leitner, Esq.

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